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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,274	07/18/2003	Brian Gonsalves	1033-SS00378	2414
60533	7590	05/08/2006		EXAMINER
TOLER SCHAFFER, LLP 5000 PLAZA ON THE LAKES SUITE 265 AUSTIN, TX 78746				CHAI, LONGBIT
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/623,274	GONSALVES ET AL.
	Examiner Longbit Chai	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1 – 30 are presently pending presented for examination. No claim has been amended in an amendment filed on 4/11/2006. Presently, pending claims are 1 – 30.

### ***Response to Arguments***

1. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.
2. As per claim 1 (and claim 10, 19, 23 & 26), Applicant asserts "Shaffer does not disclose initiating a blocking signal or disabling communications from being sent over a local area network (LAN) interface. Rather, the system disclosed by Shafer is implemented at the end-user computer and only prevents communications from being accepted or sent by the end-user computing device (Page 7, 2<sup>nd</sup> Para)". Examiner respectfully disagrees because (a) Shaffer teaches, during the periods of user computer inactivity, restricting communications with the network via the network link (Shaffer: Column 5 Line 31 – 32); (b) Examiner notes a network link indeed includes the host and LAN interface of a Ethernet port at the user computer (e.g. Ethernet NIC card) (Cohen: Column 10 Line 66 and Figure 1); and likewise, a network link also includes the network and host interface of a communication device associated with the Telco side (i.e. WAN side) (e.g. CP/DSL modem, Customer Premise Modem / routing equipment) (Cohen: Figure 2B and Column 11 Line 52 – 53); (c) Cohen reference is relied upon

returning the CP modem associated with a given user computer (by MAC address) to the free pool upon the detection of user computer inactivity (Cohen: Figure 2B and Column 10 Line 65 – Column 11 Line 3 and Column 11 Line 52 – 53), where twenty-four modems (up to 24 x CP modems) constitutes a free modem pool (Cohen: Figure 2B) and the MAC address of a user computer is mapped / connected to each CP modem (Cohen: Column 11 Line 52 – 53), and besides, (d) Shaffer is relied upon emphasizing the restriction of communications with the network via the network link during the periods of detecting user computer inactivity (Shaffer: Column 5 Line 31 – 32) and as such (e) Cohen in view of Shaffer does teach blocking logic in response to detection logic, the blocking logic to disable communications received from the second interface from being sent over the first interface to the end-user computer to meet the claim limitations. Therefore, applicant's arguments are respectfully traversed.

3. As per claim 18, Applicant asserts "Evans does not teach receiving user defined idle time information and modifying an idle time inactivity threshold after which blocking logic initiates a blocking signal to disable communications (Page 11, 2<sup>nd</sup> Para). Examiner notes Applicant's argument has no merit since the alleged limitation has not been recited into the claim – the claim limitation is recited as "receiving user defined idle time information and modifying the idle time inactivity threshold based on the user defined idle time information".

4. As per claim 7, 15 and 30, Applicant argues there is no motivation to combine the Cohen and Gerszberg references. Examiner notes the reason and motivation for combining the references are sufficient – Please see the Office action set forth below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 4, 6, 8, 9 – 14, 16, 17, 19 – 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (U.S. Patent 6477595), in view of Shaffer et al. (U.S. Patent 6145083).

As per claim 1, Cohen teaches a system comprising:

a first interface to a local area network connection to an end-user computer (Cohen: Column 4 Line 58 – 64 and Figure 1 Element 119 & Figure 2B);  
a second interface to a wide area network connection to a distributed computer network (Cohen: Column 4 Line 58 – 64 and Figure 1 Element 119 & Figure 2B);  
detection logic responsive to the first interface, the detection logic to detect user inactivity at the end-user computer (Cohen: Column 10 Line 65 – Column 11 Line 3).

However, Cohen teaches, upon the detection of user computer inactivity, the system enters a standby mode and releases the associated CP modem (Customer Premise modem) to the free pool (Cohen: Column 10 Line 65 – Column 11 Line 3 & Figure 2B: twenty-four modems (up to 24 x CP modems) constitutes a free modem pool (Cohen: Figure 2B) and the MAC address of a user computer is mapped / connected to

each CP modem (Cohen: Column 11 Line 52 – 53)). Cohen does not disclose expressly to disable communications received from the second interface from being sent over the first interface to the end-user computer.

Shaffer teaches disable communications received from the second interface from being sent over the first interface to the end-user computer (Shaffer: Column 5 Line 31 – 32 & Cohen: Column 10 Line 65 – Column 11 Line 3 and Figure 2B: Shaffer teaches, during the periods of user computer inactivity, restricting communications with the network via the network link (Shaffer: Column 5 Line 31 – 32), where Examiner notes a network link indeed includes the host and LAN interface of a Ethernet port at the user computer (e.g. Ethernet NIC card) (Cohen: Column 10 Line 66 and Figure 1); and likewise, a network link also includes the network and host interface of a communication device associated with the Telco side (i.e. WAN side) (e.g. CP/DSL modem, Customer Premise Modem / routing equipment) (Cohen: Figure 2B and Column 11 Line 52 – 53). Examiner further notes Cohen reference is relied upon returning the CP modem associated with a given user computer (by MAC address) to the free pool upon the detection of user computer inactivity (Cohen: Figure 2B and Column 10 Line 65 – Column 11 Line 3 and Column 11 Line 52 – 53), where twenty-four modems (up to 24 x CP modems) constitutes a free modem pool and the MAC address of a user computer is mapped / connected to each CP modem (Cohen: Column 11 Line 52 – 53), and besides, Shaffer is relied upon emphasizing the restriction of communications with the network via the network link during the periods of detecting user computer inactivity (Shaffer: Column 5 Line 31 – 32) and as such Cohen in view of Shaffer does teach

disable communications received from the second interface from being sent over the first interface to the end-user computer).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Shaffer within the system of Cohen because (a) Cohen teaches providing the mechanism of modem management during the user inactivity period in a LAN-WAN networking environment (Cohen: Column 10 Line 65 – Column 11 Line 3 and Figure 1 & 2B), and (b) Shaffer teaches an enhanced network security method, during the periods of user computer inactivity, to restrict the communications with the network via the network link unless the user authentication has been provided to resume the communications (Shaffer: Column 5 Line 18 – 32, Column 3 Line 46 – 51 and Column 2 Line 46 – 48).

Accordingly, Shaffer in view of Cohen teaches blocking logic responsive to the detection logic, the blocking logic to selectively initiate a blocking signal to disable communications received from the second interface from being sent over the first interface to the end-user computer.

As per claim 10, Cohen teaches a method comprising:  
establishing a broadband connection, the broadband connection including a first local data connection between an end-user computer and routing equipment and a second wide area network data connection between the routing equipment and an internet service provider (Cohen: Column 4 Line 58 – 64 and Figure 1 Element 119 & Figure 2B: CP modem is considered as one type of routing equipment);

detecting at the routing equipment that the end-user computer has been idle for an idle time greater than an idle time inactivity threshold and determining an inactivity event at the routing equipment (Cohen: Column 10 Line 65 – Column 11 Line 3: CP modem is considered as one type of routing equipment); and

blocking data originating from the second wide area network data connection from being communicated to the first local data connection to establish a blocking condition (Examiner notes – see the same rationale set forth in rejecting the claim 1).

As per claim 19, Cohen teaches a method of routing data at digital subscriber line routing equipment, the method comprising:

establishing a first portion of a digital subscriber line connection, the first portion of the digital subscriber line connection including a local Ethernet data connection between an end-user computer and digital subscriber line routing equipment, the first portion of the digital subscriber line connection terminating at a first port of the digital subscriber line routing equipment (Cohen: Figure 2B & Figure 1 Element 119 and Column 4 Line 58 – 64: DSL/CP modem is considered as one type of routing equipment);

establishing a second portion of the digital subscriber line connection, the second portion of the digital subscriber line connection including a wide area data connection between the digital subscriber line routing equipment and internet service provider equipment, the second portion of the digital subscriber line connection terminating at a second port of the digital subscriber line routing equipment (Cohen: Figure 2B & Figure

1 Element 119and Column 4 Line 58 – 64: DSL/CP modem is considered as one type of routing equipment);

detecting at the first port of the digital subscriber line routing equipment an indication that the end-user computer has been idle for an idle time greater than an idle time inactivity threshold (Cohen: Column 10 Line 65 – Column 11 Line 3); and

during a first period of time, blocking data received from the second port of the digital subscriber line routing equipment from being communicated by the first port of the digital subscriber line routing equipment (Examiner notes – see the same rationale set forth in rejecting the claim 1).

As per claim 23 and 26, Cohen teaches A system comprising:

a first interface to a local area network, said local area network comprising a plurality of end-user computers (Cohen: Figure 1 Element 119 & Figure 2B and Column 4 Line 58 – 64);

a second interface to a wide area network connection (Cohen: Figure 2B & Figure 1 Element 119 and Column 4 Line 58 – 64: TELCO side is the WAN interface);

detection logic responsive to the first interface, the detection logic to detect user inactivity at one or more of the plurality of end-user computers (Cohen: Column 10 Line 65 – Column 11 Line 3 and Figure 1 Element 119 & Figure 2B); and

blocking logic responsive to the detection logic, the blocking logic to selectively initiate a blocking signal to selectively disable communications received from the second interface from being sent over the first interface to at least one of the plurality of

end-user computers in the local area network while allowing communications to be sent over the first interface to at least one of the plurality of end-user computers in the local area network (Examiner notes – refer to the same rationale set forth in rejecting the claim 1: besides, the device inactivity state is detected on per user-computer basis (Shaffer: Column 5 Line 31 – 32 & Cohen: Column 10 Line 65 – Column 11 Line 3, Column 11 Line 52 – 53 and Figure 2B).

As per claim 2, Cohen as modified teaches the blocking logic sends the blocking signal in response to the detecting logic detecting the user inactivity for a selected period of time (Cohen: Column 10 Line 65 – Column 11 Line 3 & Shaffer: Column 5 Line 18 – 32).

As per claim 3 and 24, Cohen as modified teaches the selected period of time is between one and ten minutes (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3 & Shaffer: Column 5 Line 18 – 32).

As per claim 4, 16 and 21, Cohen as modified teaches the selected period of time is a fixed time period (Cohen: Column 10 Line 65 – Column 11 Line 3).

As per claim 6 and 25, Cohen as modified teaches the detection logic and the blocking logic is embedded within an auto-sensing Ethernet port (Cohen: for example, Column 10 Line 65 – 67 & Shaffer: Column 5 Line 18 – 32: Examiner notes (a) “an

auto-sensing Ethernet port" is interpreted as an Ethernet port with CSMA /CD Carrier Sense Multiple Access / Collision Detections associated with a CP modem as a complete functional entity to automatically facilitate the inactivity detection of the end-user computer (Cohen: Column 10 Line 65 – 67), and (b) integrating the blocking logic with the detection logic at the same physical device can indeed reduce the communication overhead to the minimum).

As per claim 8, Cohen as modified teaches the distributed computer network is the Internet (Cohen: see for example, Column 1 Line 32 – 40).

As per claim 9, Cohen as modified teaches the second interface is coupled to an internet service provider (Cohen: see for example, Column 1 Line 60 – 63).

As per claim 11, Cohen as modified teaches detecting activity from the end-user computer at the routing equipment (Cohen: see for example, Column 10 Line 65 – Column 11 Line 3: CP modem is considered as one type of the routing equipment).

As per claim 14 and 29, Cohen as modified teaches the first local data connection is an Ethernet connection (Cohen: see for example, Column 4 Line 58 – 64 and Figure 1 Element 119).

As per claim 17 and 22, Cohen as modified teaches the idle time activity threshold is a programmable threshold (Cohen: Column 10 Line 65 – 67).

As per claim 20 (& claim 12 and 13), Cohen as modified teaches during a second period of time after the first period of time, detecting activity at the first port of the digital subscriber line routing equipment indicating activity at the end-user computer and communicating data received at the second port of the digital subscriber line routing equipment to the first port of the digital subscriber line routing equipment and to the end-user computer (Shaffer: Column 7 Line 44 – 45 and Column 5 Line 28 – 32 and Cohen Figure 2B (CP/DSL modem): resuming the user inactivity of the locked mode back to the activity detection of the normal mode upon the user authentication that would otherwise restrict the communications via the network link as taught by Shaffer).

3. Claims 5, 18 and 27 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (U.S. Patent 6477595), in view of Shaffer et al. (U.S. Patent 6145083), and in view of Evans (U.S. Patent 6807666).

As per claim 5 and 18, Cohen as modified teaches the selected period of time is TBD minutes, may be one minute (Cohen: Column 10 Line 65 – 67). However, Cohen does not disclose expressly is determined by a user of the end-user compute.

Evans teaches the selected period of time is determined by a user of the end-user computer (Evans: Column 5 Line 29 – 32).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Evans within the system of Cohen as modified because (a) Cohen teaches providing modem management methods in a LAN-WAN networking environment in user inactivity periods (Cohen: Column 10 Line 65 – Column 11 Line 3 and Figure 1 & 2B), and (b) Evans teaches provides improved methods and arrangements for use in multiple user computing environments to allow a user configurable period of inactivity among a plurality of separate and concurrent desktops (Evans: Column 1 Line 60 – 64 and Column 5 Line 29 – 32).

As per claim 27 and 28, Cohen as modified does not disclose expressly detecting resumed activity from at least one of more of the plurality of end-user computers previously in an inactive state.

Evans teaches detecting resumed activity from at least one of more of the plurality of end-user computers previously in an inactive state (Evans: Column 5 Line 25 – 28). See the same rationale of combination as addressed above in rejecting claim 5.

4. Claims 7, 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (U.S. Patent 6477595), in view of Shaffer et al. (U.S. Patent 6145083), and in view of Gerszberg (U.S. Patent US 6510152 B1).

As per claim 7, 15 and 30, Cohen as modified teaches using point to point protocol. However, Cohen does not disclose expressly the wide area network is a

digital subscriber line connection that carries authenticated point to point protocol over Ethernet session traffic.

Gerszberg teaches the wide area network is a digital subscriber line connection that carries authenticated point to point protocol over Ethernet session traffic (Gerszberg: Column 21 Line 38 – 42 and Column 19 Line 24 – 29).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Gerszberg within the system of Cohen as modified because (a) Cohen teaches providing modem management methods in a LAN-WAN networking environment involved with the Ethernet LAN port and CP/DSL modem, especially during the user inactivity period, to improve the network overall system performance / cost (Cohen: Column 10 Line 65 – Column 11 Line 3 and Figure 1 & 2B), and (b) Gerszberg teaches an improved network performance / cost structure with, for example, Ethernet transported over DSL modems by providing higher bandwidth, enhancing the CPE capabilities and lowering overall system costs to the customer (Gerszberg: Column 1 Line 27 – 30 and Column 2 Line 40 – 43).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2131

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Longbit Chai  
Examiner  
Art Unit 2131

  
LBC

CHRISTOPHER REVAK  
PRIMARY EXAMINER  
